

JAP:BTK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**14 M 1009**

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UNITED STATES OF AMERICA

COMPLAINT

- against -

(21 U.S.C. §§ 952(a) and 960))

KEVIN FAGAN,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

JAMES MUNDY, being duly sworn, deposes and states that he is a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations (“HSI”), duly appointed according to law and acting as such.

Upon information and belief, on or about November 27, 2014, within the Eastern District of New York and elsewhere, the defendant KEVIN FAGAN did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and belief are as follows:<sup>1</sup>

1. On or about November 27, 2014, the defendant KEVIN FAGAN arrived at John F. Kennedy International Airport in Queens, New York, aboard JetBlue Airlines Flight 882 (the “JetBlue Airlines flight”) from St. Lucia.

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<sup>1</sup> Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

2. On or about November 27, 2014, a Customs and Border Protection ("CBP") officer asked the defendant KEVIN FAGAN whether he had any luggage to declare. In response, the defendant KEVIN FAGAN stated that a suitcase belonged to him. A CBP officer inspected the suitcase and found that it had an unusually thick bottom with a hard plastic cover. Inside of the bottom of the defendant KEVIN FAGAN's suitcase, a CBP officer found a white powdery substance that field-tested positive for the presence of cocaine. The defendant KEVIN FAGAN was placed under arrest.

3. The total approximate weight of the cocaine recovered from the suitcase that belonged to the defendant KEVIN FAGAN was 3,441.7 grams.

WHEREFORE, your deponent respectfully requests that the defendant KEVIN FAGAN be dealt with according to law.

Dated: Brooklyn, New York

November ~~27~~<sup>28<sup>th</sup></sup>, 2014

  
JAMES MUNBY  
Special Agent  
Homeland Security Investigations

<sup>28<sup>th</sup></sup>  
Sworn to before me on  
the ~~27~~<sup>28</sup>th day of November, 2014

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THE HONORABLE LOIS BLOOM  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK